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| 09/933,766      | 08/22/2001  | Toru Ozaki           | 826.1742            | 6192             |

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EXAMINER

RHODE JR, ROBERT E

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3625

DATE MAILED: 10/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/933,766

Applicant(s)

OZAKI ET AL.

ST

Examiner

Rob Rhode

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☒ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Priority***

Acknowledgment is made of applicant's claim for foreign priority based on an application filed in 09/933766 on 8/22/2001. It is noted, however, that applicant has not filed a certified copy of the Japan 2000-255713 application as required by 35 U.S.C. 119(b).

### ***Specification***

The disclosure is objected to because of the following informalities: The applicant introduces acronyms such as CM, without any definition. In that regard, clear definition for CM is needed.

Appropriate correction is required.

The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 1 and other claims containing "CM" are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In Claim 1, the word "CM" is a relative word, which renders the claims indefinite. The word "CM" is not defined by the claim(s), the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably appraised of the scope of the invention. For examination purposes the word "CM" will be treated as a generic word.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 1, 4 – 7, 10, 11 and 27 – 29 are rejected under 35 U.S.C. 102(e) as being unpatentable over Mayer (US 5,774,534).**

Regarding claim I and related claim 10, Mayer teaches a method and system for offering to purchase merchandise or a service, comprising:

receiving CM information relating to a CM broadcast through a broadcasting station generated by a commerce out-sourcing center receiving a request from at least one of a merchandise producer and a service provider according to a commerce information managed by the commerce out-sourcing center (see at least Abstract and Figure 1); offering to purchase merchandise or a service according to the CM information relating to the CM broadcast (see at least Col 1, lines 9 – 17); and transmitting CM broadcast designation information designating at least the CM broadcast as commerce information to the commerce out - sourcing center (see at least Col 3, lines 39 – 51 and Figure 7).

Regarding claim 4, Mayer teaches a method, wherein a broadcast program for broadcasting the CM broadcast and the CM information relating to the CM broadcast is bought from the broadcasting station (Abstract) and (5) wherein said broadcast program is changed based on at least one of merchandise inventory information about the merchandise producer and service providing information about the service provider. Please note that Mayer does not specifically disclose changing broadcast information based on inventory or service is changed. However, it is old and well known that these would have been changed as warranted for prudent business and management principals. In this regard, it would have been obvious to one of ordinary skill in the art to change the broadcast program when inventory or service specifics changed. In this manner, it will ensure that current and potential customers are not surprised by a lack of

inventory, which will adversely affect customer satisfaction. Thereby, the method will have ensured customer satisfaction.

Regarding claim 6, Mayer teaches a method further comprising: analyzing data of the managed commerce information; and transmitting an analysis result to the merchandise producer or the service provider (Col 14, lines 15 – 42).

Regarding claim 7, Mayer teaches a method, wherein said commerce information contains any of information relating to merchandise or a service, attribute data of the client, and information about merchandise or a service purchased by the client Col 14, lines 55 – 63).

Regarding claim 11, Mayer teaches a method, wherein said CM broadcast designation information is transmitted through Internet or a communication line from a client home or a shop where a transmitting terminal is provided (Figure 1).

Regarding claims 27, 28 and 29, Mayer teaches a system and apparatus for a commerce information distribution system, comprising:  
a commerce out-sourcing center having a computer for managing commerce information for receiving a request to generate a CM broadcast and  
CM information relating to the CM broadcast from at least one of a merchandise producer and a service provider (see at least Abstract and Figure 1);

a broadcasting station broadcasting the CM broadcast and the CM information relating to the CM broadcast generated according to the commerce information (see at least Col 1, lines 9 – 17); and a terminal transmitting CM broadcast designation information designating at least the CM broadcast as commerce information to the commerce outsourcing center when a client sees the CM broadcast and purchases merchandise or a service according to the CM information relating to the CM broadcast (see at least Col 3, lines 39 – 51 and Figure 7).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mayer (US 5,774,534) in view of Conklin (US 6,332,135 B1).**

Mayer discloses and teaches substantially the applicant's invention.

While it is implicit in Mayer that the individual is calling regarding a catalog of items, the reference does not specifically disclose and teach a method, wherein said CM information contains at least one of a merchandise catalog, a merchandise guide book

in which merchandise is classified based on a characteristic of each piece of merchandise, a merchandise purchase support page supporting purchase of merchandise based on the merchandise guide book, a service catalog, a service guide book in which a service is classified based on a characteristic of each service, and a service purchase support page supporting purchase of a service based on the service guide book, which is in XML

However and regarding claim 2, Conklin teaches a method, wherein said CM information contains at least one of a merchandise catalog, a merchandise guide book in which merchandise is classified based on a characteristic of each piece of merchandise, a merchandise purchase support page supporting purchase of merchandise based on the merchandise guide book, a service catalog, a service guide book in which a service is classified based on a characteristic of each service, and a service purchase support page supporting purchase of a service based on the service guide book (Abstract, Col 2, lines 62 – 65) and (3) wherein: said CM information is described in an XML data format; and specific information contained in the CM information is distributed (Col 2, lines 1 – 5 and Col 28, line 34).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have provided the method and system of Mayer with the method of Conklin to have enabled a method, wherein said CM information contains at least one of a merchandise catalog, a merchandise guide book in which merchandise is classified based on a



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characteristic of each piece of merchandise, a merchandise purchase support page supporting purchase of merchandise based on the merchandise guide book, a service catalog, a service guide book in which a service is classified based on a characteristic of each service, and a service purchase support page supporting purchase of a service based on the service guide book, which is in XML – in order to provide catalog information to the client. Mayer discloses a method and system for offering to purchase merchandise or a service, comprising: receiving CM information relating to a CM broadcast through a broadcasting station generated by a commerce out-sourcing center receiving a request from at least one of a merchandise producer and a service provider, according to a commerce information managed by the commerce out-sourcing center; offering to purchase merchandise or a service according to the CM information relating to the CM broadcast; and transmitting CM broadcast designation information designating at least the CM broadcast as commerce information to the commerce out-sourcing center (see at least Abstract, Col 3, lines 39 – 51 and Figures 1 and 7).

Conklin discloses a method and system wherein said CM information contains at least one of a merchandise catalog, a merchandise guide book in which merchandise is classified based on a characteristic of each piece of merchandise, a merchandise purchase support page supporting purchase of merchandise based on the merchandise guide book, a service catalog, a service guide book in which a service is classified based on a characteristic of each service, and a service purchase support page supporting purchase of a service based on the service guide book and wherein: said CM information is described in an XML data format; and specific information contained

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in the CM information is distributed (Abstract, Col 2, lines 1 – 5 and Col 28, line 34).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have extended the method and system of Mayer with a method wherein said CM information contains at least one of a merchandise catalog, a merchandise guide book in which merchandise is classified based on a characteristic of each piece of merchandise, a merchandise purchase support page supporting purchase of merchandise based on the merchandise guide book, a service catalog, a service guide book in which a service is classified based on a characteristic of each service, and a service purchase support page supporting purchase of a service based on the service guide book and wherein: said CM information is described in an XML data format; and specific information contained in the CM information is distributed. In this regard, the client can review appropriate information easily. In this manner, the clients needs will be satisfied, which will increase their customer satisfaction. The increased satisfaction will increase the probability that they will return to satisfy future information needs.

**Claims 8, 9 and 24 – 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mayer (US 5,774,534) in view of Esposito (US 6,587,838 B1).**

Mayer discloses and teaches substantially the applicant's invention.

However, Mayer does not specifically disclose and teach a method, further comprising distributing instructions about merchandise or a service generated by the merchandise

producer or the service provider to a shop at which a client receives merchandise or a service so that the client can receive a support of aftercare for the merchandise or the service. Nor does Mayer specifically disclose and teach a method, further comprising assigning the client a service point based on the CM broadcast designation information, information about merchandise or a service purchased by the client, and attribute data of the client and transmitting information about the service purchased by the client as well as placing an order.

On the other hand and regarding claim 8, Esposito teaches a method according, further comprising distributing instructions about merchandise or a service generated by the merchandise producer or the service provider to a shop at which a client receives merchandise or a service so that the client can receive a support of aftercare for the merchandise or the service (Abstract and Figure 4).

Regarding claim 9, Esposito teaches a method, further comprising assigning the client a service point based on the CM broadcast designation information, information about merchandise or a service purchased by the client, and attribute data of the client (Abstract and Figure 4).

Regarding claim 24, Esposito teaches a method, further comprising transmitting information about the merchandise or service purchased by a client, and attribute data of the client with CM broadcast designation information (Figure 4) and (25) wherein

when said client purchases merchandise or a service, the client place an order at an Internet shop (Abstract and Col 2, lines 11 – 16).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have provided the method and system of Mayer with the method of Esposito to have enabled a method, further comprising distributing instructions about merchandise or a service generated by the merchandise producer or the service provider to a shop at which a client receives merchandise or a service so that the client can receive a support of aftercare for the merchandise or the service and further comprising assigning the client a service point based on the CM broadcast designation information, information about merchandise or a service purchased by the client, and attribute data of the client and transmitting information about the service purchased by the client as well as placing an order - in order to ensure that client receives appropriate follow on support from the best merchandiser. Mayer discloses a method and system for offering to purchase merchandise or a service, comprising: receiving CM information relating to a CM broadcast through a broadcasting station generated by a commerce out-sourcing center receiving a request from at least one of a merchandise producer and a service provider according to a commerce information managed by the commerce out-sourcing center; offering to purchase merchandise or a service according to the CM information relating to the CM broadcast; and transmitting CM broadcast designation information designating at least the CM broadcast as commerce information to the commerce out-sourcing center (see at least Abstract, Col 3, lines 39 – 51 and Figures 1 and 7).

Esposito discloses a method and system further comprising distributing instructions about merchandise or a service generated by the merchandise producer or the service provider to a shop at which a client receives merchandise or a service so that the client can receive a support of aftercare for the merchandise or the service. Nor does Mayer specifically disclose and teach a method, further comprising assigning the client a service point based on the CM broadcast designation information, information about merchandise or a service purchased by the client, and attribute data of the client and transmitting information about the service purchased by the client as well as placing an order (Abstract and Col 2, lines 11 – 16 and Figure 4). Therefore, one of ordinary skill in the art would have been motivated to extend the method and system of Mayer with a method and system further comprising distributing instructions about merchandise or a service generated by the merchandise producer or the service provider to a shop at which a client receives merchandise or a service so that the client can receive a support of aftercare for the merchandise or the service. Nor does Mayer specifically disclose and teach a method, further comprising assigning the client a service point based on the CM broadcast designation information, information about merchandise or a service purchased by the client, and attribute data of the client and transmitting information about the service purchased by the client as well as placing an order. In this manner, the client is provided with a merchant convenient to them and thereby easing their requirements to find one. This ease of use will increase their satisfaction, which will increase the probability that the client will recommend the method to others.

**Claims 12, 14, 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mayer (5,774,534) in view of Maali (US 6,567,775 B1).**

Mayer discloses and teaches substantially the applicant's invention.

However, Mayer does not specifically disclose and teach a method, wherein when a client purchases merchandise or a service according to the CM information, an authenticating process is performed by an authentication organization. Nor does Mayer specifically disclose and teach an identifier with living information that transmits the living information to a target as well as where the living information is face animation information as well as wherein the living information is a plurality of different face expressions obtained as the face changes.

On the other hand and regarding claim 12, Maali teaches a method, wherein when a client purchases merchandise or a service according to the CM information, an authenticating process is performed by an authentication organization (Abstract and Col 1, line 50 – 67).

Regarding claim 14, Maali teaches a method, wherein: said client owns a terminal; said terminal comprises: an identifier identifying a person; and a living information obtaining unit obtaining living information; said authentication organization comprises living information of the person associated with the identifier; when an authenticating process

is performed by said authentication organization, said terminal transmits the identifier and the living information obtained by said living information obtaining unit to the authentication organization; and said authentication organization designates living information associated with the identifier based on the identifier received from said terminal, performs a authenticating process by comparing the designated living information with the living information transmitted from the terminal, and transmits a result of the authenticating process to a target which requires the result (Abstract, Col 2, lines 1 – 2 and Figures 1 and 4).

Regarding claim 16, Maali teaches a method, wherein said living information is voice information, face image information, or face animation information (Abstract).

Regarding claim 17, Maali teaches a method, wherein said living information is a plurality of face images indicating different expressions obtained when an expression of a face changes (Col 3, lines 51 – 60).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have provided the method and system of Mayer with the method of Maali to have enabled wherein when a client purchases merchandise or a service according to the CM information, an authenticating process is performed by an authentication organization and an identifier with living information that transmits the living information to a target as well as where the living information is face animation information as well

as wherein the living information is a plurality of different face expressions obtained as the face changes – in order to provide an extra level of security for the method. Mayer discloses a method and system for offering to purchase merchandise or a service, comprising: receiving CM information relating to a CM broadcast through a broadcasting station generated by a commerce out-sourcing center receiving a request from at least one of a merchandise producer and a service provider according to a commerce information managed by the commerce out-sourcing center; offering to purchase merchandise or a service according to the CM information relating to the CM broadcast; and transmitting CM broadcast designation information designating at least the CM broadcast as commerce information to the commerce out - sourcing center (see at least Abstract, Col 3, lines 39 – 51 and Figures 1 and 7). Maali discloses a method wherein when a client purchases merchandise or a service according to the CM information, an authenticating process is performed by an authentication organization and an identifier with living information that transmits the living information to a target as well as where the living information is face animation information as well as wherein the living information is a plurality of different face expressions obtained as the face changes (Abstract, Col 2, lines 1 – 67 and Figures 1 and 4). Therefore, one of ordinary skill in the art would have been motivated to extend the method and system of Mayer with a method wherein when a client purchases merchandise or a service according to the CM information, an authenticating process is performed by an authentication organization and an identifier with living information that transmits the living information to a target as well as where the living information is face animation information as well as wherein the



living information is a plurality of different face expressions obtained as the face changes. Thereby, the customer will be assured of that their account can not be accessed, which could compromise their credit rating as well their cost.

**Claims 13, 20, 21 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Mayer and Maali as applied to claims 10 and 12 above, and further in view of Hertz (US 6,571,279 B1).**

The combination of Mayer and Maali disclose and teach substantially the applicant's invention.

The combination of Mayer and Maali does not specifically disclose and teach a method wherein: said client owns a terminal; and said authentication organization continuously obtains positional information about the terminal, and performs an authenticating process by comparing positional information about the terminal obtained when the authenticating process is performed with continuously obtained positional information about the terminal. Nor does the combination teach authentication based on rate of movement, which could be large and calculated or on no continuity of position as well as where a plurality of terminals have the same id number.

On the other hand and regarding claim 13, Hertz teaches a method, wherein: said client owns a terminal; and said authentication organization continuously obtains positional

information about the terminal, and performs an authenticating process by comparing positional information about the terminal obtained when the authenticating process is performed with continuously obtained positional information about the terminal (see at least Abstract and Col 4, lines 59 – 62).

Regarding claim 20, Hertz teaches a method, wherein said authentication organization does not authenticate a user when determining that an amount of position movement per unit time of the terminal is large according to continuously obtained positional information about the terminal, and there is no continuity of the position (Col 4, lines 59 – 62).

Regarding claim 21, Hertz teaches a method wherein: said terminal transmits a type of transportation input by an owner to the authentication organization; and based on the type of the transportation, said authentication organization changes an amount of position movement based on which it is determined that there is no continuity of the position (Col 4, lines 59 - 6).

Regarding claim 26, Hertz teaches a method, wherein said authentication organization performs an authenticating process according to continuously obtained positional information about the terminal when a plurality of terminals having the same identification numbers appear in a unit time (Col 4, lines 59 – 62). Please note that Hertz does not specifically disclose authentication when two terminals with the same

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unit number appear in a unit of time. However, Hertz does teach reading each user having a unique authentication. In this regard, it would have been obvious to one of ordinary skill in the art to have provide the method of Hertz to achieve said authentication organization performs an authenticating process according to continuously obtained positional information about the terminal when a plurality of terminals having the same identification numbers appear in a unit time. In this manner, it will ensure that the client terminal is identified should two appear together. Indeed, this will preclude incorrect billing usage as well ensuring security.

It would have been obvious to one of ordinary skill in the art at the time of the invention to have provided the combination of Mayer and Maali with the method of Hertz to have enabled a method wherein: said client owns a terminal; and said authentication organization continuously obtains positional information about the terminal, and performs an authenticating process by comparing positional information about the terminal obtained when the authenticating process is performed with continuously obtained positional information about the terminal and method of authentication based on rate of movement, which could be large and calculated or on no continuity of position as well as where a plurality of terminals have the same id number. The combination of Mayer and Maali disclose a method and system for offering to purchase merchandise or a service, comprising: receiving CM information relating to a CM broadcast through a broadcasting station generated by a commerce out-sourcing center receiving a request from at least one of a merchandise producer and a service provider

according to a commerce information managed by the commerce out-sourcing center; offering to purchase merchandise or a service according to the CM information relating to the CM broadcast; and transmitting CM broadcast designation information designating at least the CM broadcast as commerce information to the commerce out-sourcing center and including a method wherein when a client purchases merchandise or a service according to the CM information, an authenticating process is performed by an authentication organization and an identifier with living information that transmits the living information to a target as well as where the living information is face animation information as well as wherein the living information is a plurality of different face expressions obtained as the face changes. Hertz discloses a method wherein: said client owns a terminal; and said authentication organization continuously obtains positional information about the terminal, and performs an authenticating process by comparing positional information about the terminal obtained when the authenticating process is performed with continuously obtained positional information about the terminal and authentication based on rate of movement, which could be large and calculated or on no continuity of position as well as where a plurality of terminals have the same id number (Abstract and Col 4, lines 56 - 67) . Therefore, one of ordinary skill in the art would have been motivated to extend the combination of Mayer and Maali with a method wherein: said client owns a terminal; and said authentication organization continuously obtains positional information about the terminal, and performs an authenticating process by comparing positional information about the terminal obtained when the authenticating process is performed with continuously obtained positional

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information about the terminal and authentication based on rate of movement, which could be large and calculated or on no continuity of position as well as where a plurality of terminals have the same id number. These authentication techniques applies another level of security and therefore trust. With this increased level of authentication, the method could have been used as additional feature, which differentiates this method from others and thereby attract more clients. Additionally, it also increases satisfaction and trust for the client, which will increase the probability that they will recommend the method to others.

**Claims 15, 22 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Mayer and Maali and further in view of St. John (US 6,463,415 B2).**

The combination of Mayer and Maali substantially disclose and teach the applicant's invention.

However, the combination does not specifically disclose and teach a method with an authentication organization for estimating emotion and notifies a peace and order organization when fear is emoted. Nor does the combination specifically disclose and teach wherein emotion is estimated with the face or voice.

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On the other hand and regarding claim 15, St. John teaches, wherein said authentication organization further comprises an emotion estimation unit for estimating emotion from the living information received from the terminal, and notifies a public peace and order maintaining organization when the living information indicates fear based on estimation of emotion according to the living information by said emotion estimation unit (Abstract). Please note that St John does not specifically have notification of a peace and order maintaining organization. However, St John does specifically cite the use of this method in border crossing, which is used to identify individuals. In this regard, it would have been obvious to one of ordinary skill in the art that the method would have notified a peace and ordering organization – if the individuals voice pattern was not recognized due to increased nervousness. Thereby, the security is increased for the method.

Regarding claim 22, St John teaches a method, wherein said living information according to which emotion is estimated by said emotion estimation unit is face image information (Col 1, line 20 -23).

Regarding claim 23, St John teaches a method, wherein said living information according to which emotion is estimated by said emotion estimation unit is voice information (Col 1, lines 20 – 23).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have provided the combination of Mayer and Maali with the method of St. John to have enabled a method with an authentication organization for estimating emotion and notifies a peace and order organization when fear is emoted and wherein emotion is estimated with the face or voice. The combination of Mayer and Maali disclose a method and system for offering to purchase merchandise or a service, comprising: receiving CM information relating to a CM broadcast through a broadcasting station generated by a commerce out-sourcing center receiving a request from at least one of a merchandise producer and a service provider according to a commerce information managed by the commerce out-sourcing center; offering to purchase merchandise or a service according to the CM information relating to the CM broadcast; and transmitting CM broadcast designation information designating at least the CM broadcast as commerce information to the commerce out - sourcing center and including a method wherein when a client purchases merchandise or a service according to the CM information, an authenticating process is performed by an authentication organization and an identifier with living information that transmits the living information to a target as well as where the living information is face animation information as well as wherein the living information is a plurality of different face expressions obtained as the face changes. St John discloses a method with an authentication organization for estimating emotion and notifies a peace and order organization when fear is emoted and wherein emotion is estimated with the face or voice (Abstract and Col 1, lines 20 – 25).

Therefore, one of ordinary skill in the art would have been motivated to extend the

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combination of Mayer and Maali with a method with an authentication organization for estimating emotion and notifies a peace and order organization when fear is emoted. Nor does the combination specifically disclose and teach wherein emotion is estimated with the face or voice. With this method, the client can obtain a level of safety, which will be could be most useful. With this added level of ensuring a client safety, the method could have gained wider appeal and thereby increase the desire for other clients to obtain in order to enhance their personal safety.

**Claims 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Mayer and Maali and further in view of Bakis (US 6,219,639).**

The combination of Mayer and Maali substantially disclose and teach the applicant's invention.

While the capabilities of Maali are very sophisticated and could have just focused on the mouth portion, the combination of Mayer and Maali however does not specifically disclose and teach a method with a living information obtaining unit with authentication and transmits results of voice and animation information about the mouth and checks synchronization between the mouth and voice. Nor does the combination specifically disclose and teach authentication process associated with the mouth.



On the other hand and regarding 18, Bakis teaches a method, wherein: said living information obtained by said living information obtaining unit is voice information and animation information about a mouth portion of a face; when said authentication organization performs an authenticating process; said terminal transmits the voice information and the animation information about the mouth portion obtained by said living information obtaining unit to the authentication organization; and said authentication organization performs an authenticating process based on the voice information and the animation information about the mouth portion transmitted from the terminal, checks synchronization between the mouth portion and the voice, and transmits a result of the authenticating process to a target which requires the result (see at least Abstract, Col 8, lines 7 - 14 and Figures 1 – 3).

Regarding claim 19, Bakis teaches a method, wherein: said terminal further comprises an outline information obtaining unit outputting animation information only about an outline of a mouth portion from the animation information about the mouth portion obtained from said living information obtaining unit; when said authentication organization performs an authenticating process, said terminal transmits the voice information and the animation information only about the outline of the mouth portion; and the authentication organization performs an authenticating process based on the voice information and the animation information only about the outline of the mouth portion transmitted from the terminal, checks synchronization between the mouth portion and the voice (Col 8, lines 7 – 14).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have provided the combination of Mayer and Maali with the method of St John to have enabled a method with a living information obtaining unit with authentication and transmits results of voice and animation information about the mouth and checks synchronization between the mouth and voice as well as an authentication process associated with the mouth. The combination of Mayer and Maali disclose a method and system for offering to purchase merchandise or a service, comprising: receiving CM information relating to a CM broadcast through a broadcasting station generated by a commerce out-sourcing center receiving a request from at least one of a merchandise producer and a service provider according to a commerce information managed by the commerce out-sourcing center; offering to purchase merchandise or a service according to the CM information relating to the CM broadcast; and transmitting CM broadcast designation information designating at least the CM broadcast as commerce information to the commerce out - sourcing center and including a method wherein when a client purchases merchandise or a service according to the CM information, an authenticating process is performed by an authentication organization and an identifier with living information that transmits the living information to a target as well as where the living information is face animation information as well as wherein the living information is a plurality of different face expressions obtained as the face changes. Bakis discloses a method with a living information obtaining unit with authentication and transmits results of voice and animation information about the mouth

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and checks synchronization between the mouth and voice and authentication process associated with the mouth. Therefore, one of ordinary skill in the art at the time of the invention would have been motivated to extend the combination of Mayer and Maali with a method with a living information obtaining unit with authentication and transmits results of voice and animation information about the mouth and checks synchronization between the mouth and voice and authentication process associated with the mouth. Thereby, the level of security will be increased, which would have increase the feeling of safety in the client and thus increase the level of satisfaction of the client and therefore increase the probability that the client will recommend the method to others.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Rob Rhode** whose telephone number is **(703) 305-8230**. The examiner can normally be reached Monday thru Friday 8:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Jeff Smith** can be reached on **(703) 308-3588**.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Receptionist** whose telephone number is **(703) 308-1113**.

Any response to this action should be mailed to:

***Commissioner for Patents***

***P.O. Box 1450***

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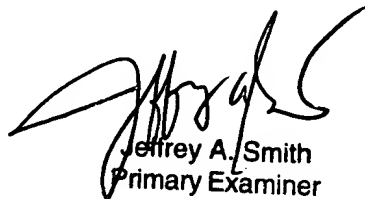
or faxed to:

**(703) 872-9306** [Official communications; including  
After Final communications labeled  
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"PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal  
Drive, Arlington, VA, 7<sup>th</sup> floor receptionist.

RER



Jeffrey A. Smith  
Primary Examiner